

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
STANLEY PATRICK WEBER,  
Defendant. }  
} Criminal Docket  
} No. CR 18-14-GF-BMM  
} Court of Appeals  
} No. 19-30022

Partial Transcript of Trial with a Jury  
Defense Closing Statements

Missouri River Federal Courthouse  
125 Central Avenue West  
Great Falls, MT 59404  
Thursday, September 6, 2018  
10:42 a.m. to 11:05 a.m.

BEFORE THE HONORABLE BRIAN MORRIS  
UNITED STATES DISTRICT COURT JUDGE

Yvette Heinze, RPR, CSR  
United States Court Reporter  
Missouri River Federal Courthouse  
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Proceedings recorded by machine shorthand  
Transcript produced by computer-assisted transcription

1 APPEARANCES

2 PRESENT ON BEHALF OF THE PLAINTIFF,  
3 THE UNITED STATE OF AMERICA:

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## CLOSING STATEMENT BY MR. STEINBERG

## PROCEEDINGS

1 (Open court.)

2 (Defendant present.)

3 (Jury present.)

4 (During Day 3 of the above-entitled trial, at 10:42 a.m.,  
5 proceedings were as follows:)

6 THE COURT: Thank you, Mr. Starnes.

7 Mr. Steinberg.

8 MR. STEINBERG: Thank you, Judge.

9 Good morning, Folks. So I want to remind you of a  
10 couple of things. One, this trial is about two individuals.  
11 It's about Mr. Four Horns, and it's about Mr. Running Crane.  
12 Those are the two individuals that we're on trial for in this  
13 courtroom these several days. And you have to make a decision  
14 in terms of the evidence, whether or not those individuals, in  
15 terms of what the government has brought forward, have those  
16 counts been proven beyond a reasonable doubt?

17 And I listened intently as Mr. Starnes went on, and  
18 he said about Mr. Four Horns, "He did not know who to tell or  
19 how to tell." And then I remembered Ms. Suek's opening  
20 statement where she said, "You are going to hear from Dr. Becky  
21 Foster." They decided not to call Dr. Becky Foster. But  
22 remember her opening where she talked about the fact that Becky  
23 Foster, who was a psychologist, saw Joseph Four Horns when he  
24 was young because he couldn't deal with the fact that his dad

## CLOSING STATEMENT BY MR. STEINBERG

1 had died. Remember those statements? And I'm assuming they  
2 didn't call Dr. Foster because --

3 MR. STARNES: Speculation and facts not in evidence.

4 THE COURT: Let's stick to what they did.

5 MR. STEINBERG: It's the evidence or lack of  
6 evidence, Judge.

7 And my position, so you know, is Foster saw  
8 Four Horns. We heard that from Mr. Four Horns. Remember him  
9 saying, "Yeah, I saw her"? And remember him saying, "The  
10 reason that I saw her was because I couldn't deal with the fact  
11 that my dad had died, and that's when I saw her"?

12 And we anticipated they would bring her on because we  
13 were going to ask her, "Hey" --

14 MR. STARNES: Objection. Facts not in evidence.

15 THE COURT: Let's stick to what was presented to the  
16 jury. Okay?

17 MR. STEINBERG: I will.

18 THE COURT: Well, let's get to it now. You are not  
19 now.

20 MR. STEINBERG: So what I'm trying to tell you is  
21 that, in fact, Four Horns testified that Foster saw him. They  
22 talked. But yet he never revealed this situation to her. Why?  
23 Well, he wasn't asked or it wasn't on his mind or it didn't  
24 happen.

25 He said -- my colleague said, "You didn't know who to

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1 tell or how to tell."

2 I asked him when he was on the stand, "How many times  
3 were you asked by psychologists in the prisons if you'd ever  
4 been abused, molested?" I said, "Was it at least ten different  
5 occasions?"

6 He said, "Yes. On ten different occasions, I was  
7 asked that, and I denied that."

8 Then we brought out, "Listen, how is it that you were  
9 in a situation where you finally told this?"

10 "Because," he said, you know, "I denied it initially.  
11 I said no to" -- it was Mr. Bennett that interviewed him. "I  
12 said no to Mr. Bennett. I said no to Mr. Bennett. And then I  
13 found out I was going to come to Montana."

14 And I said, "Hey, have you had any visits with your  
15 family since you have been in Kentucky? Since you've been in  
16 Pennsylvania?"

17 "No."

18 "Did you get visits when you were in Montana?"

19 "Yes."

20 "And, by the way, were you trying to withdraw the  
21 plea that you made where you said, 'I was guilty of that  
22 robbery'?"

23 He said, "Oh, yeah. And now the government is giving  
24 me a new hearing. Even though it was denied initially, I'm  
25 getting a new hearing."

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1           This is a gentleman who, by their own admission is --

2           THE COURT: Let's have a sidebar, please.

3           (Discussion on the record at sidebar.)

4           (Defendant present.)

5           THE COURT: Mr. Steinberg, I'll give you some  
6 latitude, but let's stick to the facts. I give the hearing.  
7 The government doesn't have a choice whether there's a hearing.  
8 Do you understand that?

9           MR. STEINBERG: The government is not objecting to  
10 it, having a new hearing. So this is -- you know, this is  
11 closing. You've done everything you can to interrupt me.  
12 You've done everything to break up my approach and embarrass me  
13 in front of the jury, and enough is enough. I'm trying to  
14 defend somebody. And what I don't need is some little thing  
15 like that that has nothing to do with it. Clearly, the  
16 government did agree to it, and you know that.

17           (Open court.)

18           (Defendant present.)

19           MR. STEINBERG: So as I was saying, the government's  
20 agreeing to give him a new hearing. He knows that. He's  
21 somebody who has been institutionalized, who knows the system,  
22 and knows how to work the system. And isn't it ironic that on  
23 little things that were clear and important, he feigned a lack  
24 of memory.

25           The question, "Hey, did you meet with these

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1 attorneys? Had you met with these attorneys before?"

2 "No. I never have."

3 And then suddenly it was, "Well, yes, I guess I did  
4 meet with them," after they got up and asked him. He didn't  
5 say it on cross. He denied it. But on redirect he said, "Oh,  
6 yeah, now I remember. I did meet with them." And that was  
7 just the day before. "And they played me the entire tape."

8 And what's relevant about the tape, by the way, is he  
9 says --

10 MR. STARNES: Objection. Facts not in evidence.

11 THE COURT: Stick to the facts, please.

12 MR. STEINBERG: I am.

13 They indicated and the witness indicated that, in  
14 fact, they had played him the tape, a 52-minute tape. That was  
15 the evidence.

16 When I asked him the questions, "Oh, I don't  
17 remember. I never met with anyone."

18 Then you take it a step further, and the step further  
19 is this: We said to him, "Hey, look. In terms of the  
20 situation, in terms of your memory, did you have your  
21 medication the very day that you made these statements?"

22 Remember what his answer was? "No, I wasn't on that  
23 medication."

24 And I asked him, "When you are not on that  
25 medication, how does that affect you?"

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1                   "Well, when I'm not on that medication, I am not  
2 calm. I hear voices. I see things. These voices tell me to  
3 do things."

4                   Then, when counsel said to him, "Hey, can you  
5 identify Dr. Weber? Can you tell us where he is? Who he is?"  
6 Who does he point to? He points to me.

7                   So then what do they do? "Oh, do you have your  
8 glasses? Can you see? Can you see?"

9                   "Yes, yes. I can see."

10                  So when you take a look at reasonable doubt --

11                  Would you mind putting up Number 28?

12                  (Displayed.)

13                  MR. STEINBERG: 28 talks about reasonable doubt. And  
14 it talks about, "A reasonable doubt" -- and this is the second  
15 paragraph -- "is a doubt based upon reason and common sense.  
16 It may arise from careful and impartial consideration of all of  
17 the evidence or from lack of evidence."

18                  I want to emphasize "from lack of evidence." Okay.  
19 You have a situation where you are being asked to believe  
20 someone. And it's someone who by definition -- and by, if you  
21 will, the government's own concession in their closing -- is  
22 someone who is a criminal; who has been institutionalized for,  
23 unfortunately, a long time; and knows how to manipulate the  
24 system; and knows how, if you will, on direct, to tear up, but  
25 when it came to cross, there was none of that emotion. It was

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1 hostility. It was denial.

2 And what's poignant about his testimony was the lack  
3 of detail in terms of the events. It's easy to come in and  
4 say, "Yes, I was forced to do certain things." But where is  
5 the detail? Describe the room. What was he wearing? What  
6 were you wearing? What did you do afterward? Oh, what's your  
7 relationship with your brother?

8 The brother came in here. And if the implicit  
9 suggestion is somehow that because he was abused and he became  
10 a criminal because of that -- I mean, I suppose that's the  
11 thread that was trying to be planted -- that's belied by the  
12 fact that unfortunately his brother, who says, "Hey, I was  
13 never subject to any kind of touching. We were close. We  
14 looked after each other." So would Joseph want to protect his  
15 brother? And put aside that he's not going to talk about it  
16 because he's embarrassed by it. Put aside that he's 11 years  
17 old and seeing a psychologist regularly for issues in terms of  
18 his inability to accept his father's death. Put aside the fact  
19 that he goes back in terms of his version. Wouldn't he want to  
20 protect his brother and make sure his brother didn't go back?  
21 Where is that? Where is that?

22 And this is a kid who, remember, when he was 11, he  
23 told you that he was a member of the Crips and that he was a  
24 gang member and has used drugs from 11 years on.

25 "And had that affected your mind?"

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1                    "Oh, yes. It's affected it." Well, common sense  
2 tells you that.

3                    And so all of a sudden, now, he's approached, not by  
4 this officer, but by Officer Bennett. And he says, "No, it  
5 didn't happen. No, there was not oral sex. No, that never  
6 happened to me. Will I get to go to Montana?"

7                    "Yeah." Boom.

8                    And then the suggestion goes on. The suggestion goes  
9 on, and he's here, and sure he doesn't want to testify to it.  
10 And sure he says, "I'm never going to," if you will, "talk  
11 about it again." But he got what he wanted. He got to go to  
12 Montana. He gets to see his family. And I confess. I can't  
13 recall how many years it had been since. But I do recall  
14 absolutely that he said, "I haven't been able to see my family  
15 in Kentucky. I haven't been able to see my family in  
16 Pennsylvania. They took my visits away from me." But he got  
17 them here. He knows how to work the system.

18                   So when it comes to believing someone, in terms of  
19 that credibility instruction and in terms of reasonable doubt,  
20 you say, "Is this the kind of person that I would" -- let's do  
21 something mundane, an important issue in your life: buying a  
22 house, buying a car, sending your kids to school. And you say  
23 to yourself, "Hey, look. I want to make a decision, and I'm  
24 going to have to rely on this person." And Mr. Four Horns is  
25 the salesman. And he's selling you the car, the house, the

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1 school. And then you find out that he says he suffers from  
2 schizophrenia. He's not on his medication. He's been  
3 convicted of numerous felonies, including violent felonies. He  
4 hasn't, basically, said anything about this for years. He's  
5 given a small thing in your mind, but, obviously, a big thing  
6 in his mind, -- a big thing. And that is the ability to come  
7 see his parents. The ability for the government to give him a  
8 new hearing. Maybe withdraw the plea. Maybe get out of  
9 prison. What does he have to do? They come to him. And he  
10 knows the system. And, sure enough, he gives them what they  
11 want. He gives them what they want.

12           And then you say to yourself, "Okay. Am I going to  
13 buy this house? Am I going to buy this car? Am I going to  
14 send my kid to this school based on what Four Horns has told  
15 me?" He's the salesman. And you say to yourself, "Probably  
16 not."

17           Because the little things, like, when I asked  
18 Investigator Muller, "What about those records in terms of  
19 these medical records? How many times did my client see  
20 Mr. Four Horns?"

21           And the response was, "I don't know. I don't know."  
22           "Do you have the medical record?"

23           "Yeah, somewhere."

24           Well, wouldn't that be something you'd want to see?  
25 Isn't that that little corroboration that you would want to

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1 see? Where is it?

2 In terms of Mr. Running Crane --

3 Can you put up Number 14, Instruction 14.

4 (Displayed.)

5 MR. STEINBERG: This is the first count as it relates  
6 to Mr. Running Crane, and that's Count 14 -- I'm sorry --  
7 that's Count Number 4. Take a look at the second paragraph  
8 from the bottom. This is what you have to find: "For the  
9 purposes of Count 4 of the indictment, the term 'sexual act'  
10 means that the defendant exposed his penis to G.R.C."

11 Do you have any evidence that on that first encounter  
12 that he expose his penis? Remember, I went to the witness, and  
13 I put my hand down, and I said, "Is this as close as it got?"  
14 And he got there. And he said, "Yeah." There was zero  
15 evidence -- zero evidence presented that he ever exposed his  
16 penis. And these are the instructions you have to follow. It  
17 means that the defendant exposed his penis and asked to allow  
18 the defendant to place his penis in his mouth. No evidence  
19 that he exposed his penis. The law requires you to find my  
20 client not guilty of 14.

21 In terms of the next count, Number 17 --

22 Could you put up Instruction Number 17?

23 (Displayed.)

24 MR. STEINBERG: -- this relates to Count 5. Take a  
25 look at Element Number 2: "G.R.C." -- Mr. Running Crane --

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1 "was incapable of appraising the nature of the conduct." They  
2 are to prove that he was incapable of appraising the nature of  
3 the conduct.

4 Now, keep in mind this, and let's focus on this:  
5 Clearly, the inference that the cross-examination was trying to  
6 plant with the witnesses was that, "Hey, it's only the  
7 vulnerable ones that my client picks on."

8 Well, there's no question in terms of the evidence  
9 that of all of the individuals that were part of this group  
10 that went over there, Mr. Running Crane was the toughest, the  
11 one who got in fights, the one who was called Big James because  
12 he was the biggest. And, if I recall, he testified that he was  
13 about 215 pounds at this time. And I think he said he was  
14 about five nine. So, if the theory that the government is  
15 trying to espouse here -- and this is what they want you to  
16 follow -- is he picked out the weakest, the most vulnerable.  
17 Of all of the ones you wouldn't want to pick out, it would be  
18 the strongest, the toughest.

19 Then they tried to say, "Hey, look, he would always  
20 have somebody alone so they were isolated." So what do we do?  
21 We bring you a witness who says, "I was alone. By the way, I  
22 went over there at 4:00 in the morning, and I knocked on the  
23 door. And I was intoxicated. And he let me in. Told me to  
24 sleep on the couch. Went to bed and said, 'I have to get up at  
25 7:00 a.m. because I have to go to work.'"

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1           Then the cross-examination was "Hey, did any other  
2 doctor, did any other dentist, did any other professional treat  
3 you this way?" And I told you before he was an odd duck, you  
4 know. He was an odd duck because he actually did things for  
5 these kids. He actually cared for these kids. He let them  
6 come to his house. He fed them. He gave them soda. He let  
7 them hang out. And sure the rumors abound.

8           And you heard from -- what did we hear from? Four?  
9 Three kids? All who were part of this group. And  
10 interestingly enough, Mr. Running Crane, who didn't come there  
11 that often, is the only one they brought in that said, "Yeah,  
12 he provided alcohol to the kids." All of the other kids said,  
13 "No." And that is confirmed by their own witness Mr. Meineke.  
14 Because he's the one who said, "I had to steal." Remember he  
15 said, "I stole" -- I think he said, "I stole a box of wine."

16           If, in fact, this were the situation that they tried  
17 to plant that this was a situation where he would get these  
18 kids drunk and there would be alcohol there and he was just  
19 plying with alcohol, why is it that kids that we brought in --  
20 all of them, as well as their own witness confirmed -- "he  
21 wasn't giving any kids alcohol."

22           He made the mistake of befriending them. He made the  
23 mistake of treating them with care. He made the mistake of  
24 letting them come over. And I suppose the lesson here is he  
25 shouldn't have. He shouldn't have provided a place for them

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1 where they could go to. He shouldn't have been nice to them.  
2 He should have treated them just like everybody else did.  
3 Hands off. Don't care. Don't provide them anything. And he  
4 wouldn't be here. That's what this case stands for.

5 No good deed goes unpunished. And so what do they  
6 do? They bring in other witnesses to say, "Hey, look. He's a  
7 bad guy. He's involved in all of these other acts."

8 And then I hark back and I remember Mr. Martin saying  
9 something. "Who did you tell?"

10 "The only person I told was my friend Joe. I knew  
11 they were coming. I knew they were coming." He knew they were  
12 coming to talk to him.

13 And when I asked Mr. Running Crane, "Do you know  
14 Mr. Four Horns?" Remember that exchange? That exchange was  
15 very limited. "Well, yeah, I know of him." These kids all  
16 knew each other. They all grew up together. They're all  
17 members of the same tribe.

18 When we tried to get Mr. Running Crane to talk about  
19 his relationship with Mr. Four Horns -- remember that? -- it  
20 was, "Yeah, I knew of him," but that was it. Didn't want to  
21 admit any kind of relationship, any kind of understanding, any  
22 kind of agreement, or anything like that.

23 And isn't it odd that Mr. Martin said, "Yeah, I knew  
24 they were coming. The only person I ever told was my friend  
25 Joe."

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1           So when you look at this case and you say to  
2 yourself, "It's a 20-plus-year old case that truly has no  
3 corroboration in terms of trying to defend, in terms of the  
4 evidence." Is it the old hospital? Is it the new hospital?  
5 What does any of this look like? Where are the medical  
6 records? Where is the camera? Pictures? Remember, we heard  
7 that supposedly there were pictures taken? Where is this?

8           You have to have reasonable doubt, and you have to  
9 say to yourself, "I don't like it. Something might have  
10 happened. Certainly, there's a lot of dust." But when you are  
11 going to be fair and when you are going to follow the law and  
12 when you are going to -- which you must -- take out emotion and  
13 not allow the passions to be inflamed and say, "I want to look  
14 at this case as a juror must, with a dispassionate -- let's  
15 look at the facts. Let's look at the evidence." You say to  
16 yourself, "Who are the people who are the sales people here?  
17 What's this really about?" Is it about the rumor? Is it about  
18 the innuendo? Or is it about the truth? And that's the key to  
19 this case. You really don't know. You really, really don't  
20 know.

21           And because you don't know, and as that  
22 Instruction 28 says, "Proof that leaves you firmly convinced."  
23 You have to have your doubts, and those are reasonable based on  
24 the evidence. And because of that, the law requires you -- you  
25 don't have to like it -- but the law requires you to find my

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1 client not guilty. Thank you.

2 THE COURT: Thank you, Mr. Steinberg.

3 (Trial proceedings continues.)

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## 1                   REPORTER'S CERTIFICATE

## 1                   REPORTER'S CERTIFICATE

2                 I, Yvette Heinze, a Registered Professional  
3                 Reporter and Certified Shorthand Reporter, certify that the  
4                 foregoing transcript is a true and correct record of the  
5                 proceedings given at the time and place hereinbefore mentioned;  
6                 that the proceedings were reported by me in machine shorthand  
7                 and thereafter reduced to typewriting using computer-assisted  
8                 transcription; that after being reduced to typewriting, a  
9                 certified copy of this transcript will be filed electronically  
10               with the Court.

11               I further certify that I am not attorney for, nor employed  
12               by, nor related to any of the parties or attorneys to this  
13               action, nor financially interested in this action.

14               IN WITNESS WHEREOF, I have set my hand at Great Falls,  
15               Montana, this 18th day of March, 2019.

16

17               /s/ *Yvette Heinze*

18               \_\_\_\_\_  
19               Yvette Heinze  
20               United States Court Reporter

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